

**IN THE COURT OF APPEALS**  
**FIRST APPELLATE DISTRICT OF OHIO**  
**HAMILTON COUNTY, OHIO**

DIANE LANGHORST,	:	APPEAL NO. C-100280
	:	TRIAL NO. A-0806761
Plaintiff-Appellant,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
CITY OF CINCINNATI,	:	
	:	
Defendant-Appellee.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.<sup>1</sup>

Plaintiff-appellant Diane Langhorst was employed as a public health nurse with the city of Cincinnati for approximately 26 years. In 2007, Langhorst applied to the city for disability retirement benefits. Following Langhorst's independent medical examination, the City Retirement Board denied her application for benefits. Langhorst then appealed the board's decision to the court of common pleas. A magistrate upheld the denial of benefits. Langhorst filed objections to the magistrate's decision, which the trial court overruled. Following the trial court's ruling on the objections, Langhorst filed the present appeal.

Langhorst has raised two assignments of error for this court's consideration. But because the trial court's decision was not a final, appealable order, we have no

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<sup>1</sup> See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

jurisdiction to address the assignments. This court's appellate jurisdiction is limited to the review of final judgments or orders.<sup>2</sup>

In this case, the trial court overruled Langhorst's objections to the magistrate's decision. But the trial court did not adopt the magistrate's decision. Civ.R. 53 provides that "[a] magistrate's decision is not effective unless adopted by the court."<sup>3</sup> Consequently, because the trial court failed to adopt the magistrate's decision in this case, it failed to enter a final judgment,<sup>4</sup> and this court is without jurisdiction to entertain this appeal. The appeal is accordingly dismissed.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**CUNNINGHAM, P.J., SUNDERMANN and HENDON, JJ.**

*To the Clerk:*

Enter upon the Journal of the Court on December 22, 2010

per order of the Court \_\_\_\_\_.  
Presiding Judge

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<sup>2</sup> Section 3(B)(2), Article IV, Ohio Constitution.

<sup>3</sup> Civ.R. 53(D)(4)(a).

<sup>4</sup> *Yantek v. Coach Builders Limited, Inc.*, 1st Dist. No. C-060601, 2007-Ohio-5126, ¶20.